

## REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 34 is requested to be cancelled without prejudice or disclaimer. Independent claims 34 and 35-38 are being amended. Support for this amendment can be found at least in FIGs. 1 and 4. No new matter is being added.

This amendment changes and deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 2-13, 29-33 and 35-38 are now pending in this application.

### **Rejection Under 35 U.S.C. § 103**

Claims 2-13 and 29-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 4,025,159 to McGrath ("McGrath") in view of U.S. Patent 5,657,162 to Nilsen ("Nilsen"). Applicant respectfully traverses this rejection for at least the following reasons.

### **Claims 33 and 36**

Independent claim 33 recites "a first backlighting display component film having an upper surface and a lower surface, said upper surface of said first backlighting display component film comprising a series of optical structures" and "a second backlighting display component film having an upper surface and a lower surface, said upper surface of said second backlighting display component film comprising a series of optical structures, said raised spacing structures contacting said lower surface of said second backlighting display component film." Thus, in claim 33, (1) the raised spacing structures of the first backlighting display component film contact the lower surface of the second backlighting display component film, and (2) both the first backlighting display component film and the second

backlighting display component film have an upper surface comprising a series of optical structures. McGrath does not disclose at least this combination of features of claim 33.

The Office Action equates the basal sheet and cover sheet of McGrath with the component films as recited in the claims. In contrast to claim 33, however, and as noted in the Amendment filed on April 18, 2007, McGrath does not disclose that an upper surface of both the basal sheet and cover sheet comprise a series of optical structures. McGrath does disclose one embodiment in FIG. 5 where the cover sheet 25 has corner cubes and the basal sheet 26 appears to have microspheres. Assuming *arguendo* that the corner cubes and microspheres could each be considered to be a series of optical structures, the corner cubes on the coversheet 25 are on its lower surface, i.e., the surface facing the base sheet 26, not its upper surface. Thus, McGrath does not disclose both a first backlighting display component film and a second backlighting display component film having an upper surface comprising a series of optical structures, where raised spacing structures of the first backlighting display component film contact the lower surface of the second backlighting display component film.

Nilsen does not cure the deficiencies of McGrath as noted in the Amendment filed on April 18, 2007. Nielsen discloses an embodiment in Figure 5 with a structure having a first prism layer 140 and a second prism layer 180 separated by a transparent film 160. Even if McGrath were modified to include two layers of corner cubes, however, there is no suggestion in Nilsen that one layer of corner cubes be on top of the McGrath cover sheet 25. To the contrary, Nilsen discloses that the prisms in its prism layers 140 and 180 point in the same direction. Thus, Nilsen does not suggest that any of the prisms should be on top of the cover sheet 25 of McGrath even if that sheet were modified to have two layers of prisms. Thus, even if McGrath and Nilsen were combined, the combination does not suggest both a first backlighting display component film and a second backlighting display component film having an upper surface comprising a series of optical structures, where raised spacing structures of the first backlighting display component film contact the lower surface of the second backlighting display component film.

The Office Action states on page 5 with respect to McGrath, "it is unclear why the side with the optical structures is not the upper surface, since the upper surface is merely the

surface that contains the optical structures.” Applicants respectfully disagree. The upper surface of the first backlighting display component film comprises both optical structures as well as the raised spacing structures, which contact the lower surface of the second backlighting display component film. Further, the upper surface of the second backlighting display component film also comprises optical structures. Thus, the upper surface of the first backlighting display film must be the surface that has the raised spacing structures, while the upper surface of the second backlighting display film must be the surface other than the surface that is contacted by the raised spacing structures. Therefore, it is not accurate that the upper surface is merely the surface that has the optical structures.

The Office Action states on page 5 with respect to Nilsen, that “Nilsen was only relied on to show that multiple layers of retroreflective material could be used together to create different patterns.” As discussed above, however, even if McGrath were modified to include two layers of corner cubes, i.e, to have multiple layers of retroreflective material, however, there is no suggestion in Nilsen that one layer of corner cubes be on top of the McGrath cover sheet 25. Thus, the combination of McGrath and Nilsen still do not teach all the features of claim 33.

Independent claim 36 recites “a first backlighting display component film having an upper surface and a lower surface, said upper surface of said first backlighting display component film comprising a series of optical structures and a plurality of raised spacing structures, said lower surface being essentially planar; and a second backlighting display component film having an upper surface and a lower surface, said upper surface of said second backlighting display component film comprising a series of optical structures, said raised spacing structures contacting said lower surface of said second backlighting display component film”, and thus is patentable over McGrath and Nilsen for reasons analogous to claim 1.

#### **Claim 35**

Independent claim 35 recites “a backlight illumination source providing illumination to the multilayer backlighting display optical film.” In contrast, McGrath merely discloses a cellular retroreflective sheeting, but does not disclose any backlight illumination source

providing illumination to its sheeting. On page 7 of the Office Action, the Patent Office states “McGrath discloses that light rays are the backlight illumination source and thus provide illumination to the multilayer backlighting display optical film (*col. 1, lines 26-43*).” The only light source disclosed in the cited section of McGrath, however, is the sun (which produces the sunlight of col. 7, line 35). McGrath does not disclose any illumination source as part of its optical device. Nilsen was cited for other features of the claims but fails to cure the deficiencies of McGrath.

#### **Claim 37**

Independent claim 37 recites “wherein at least one of said first backlighting display component film or said second backlighting display component film is a polarization recycling film.” By contrast, McGrath does not disclose that either of its basal sheet or its cover sheet have structure to be a polarization recycling film. On page 7 of the Office Action, the Patent Office states “McGrath is a retroreflective article that concentrates the light, thus it is polarizing.” Applicant submits that an optical device that merely concentrates light does not necessarily polarize light. As an example, a mirror or a lens may be arranged to focus, and thus concentrate light, but such a focusing device, without more, would not be considered to polarize light. McGrath does not disclose that either of its basal sheet or its cover sheet function to polarize light, much less having a structure to be a polarization recycling film. Nilsen was cited for other features of the claims but fails to cure the deficiencies of McGrath.

#### **Claim 38**

Independent claim 38 recites “said component films being configured such that the optical structures of said component films are configured orthogonally.” By contrast, McGrath does not disclose that its basal sheet and its cover sheet are arranged relative to each other such that optical structures on the sheets are configured orthogonal to each other. On page 7 of the Office Action, the Patent Office states “McGrath discloses a grid structure, when to layers are on top of each other they will always be orthogonal to each other.” Claim 38, however, recites that the component films are configured such that the optical structures of the component films are configured orthogonally. Whether or not lines of the grid of McGrath are orthogonal is not relevant to the requirements of claim 38. Nilsen also fails to

disclose films where the optical structures on the sheets are configured orthogonal to each other, and thus fails to cure the deficiencies of McGrath

The dependent claims are patentable for at least the same reason as independent claim 33, from which they ultimately depend, as well as for further patentable features recited therein. For example, claim 5 recites “wherein said raised spacing structures comprise at least one post-structure.” McGrath fails to disclose this feature of claim 5. The narrow intersecting bonds 13 of McGrath do not include post structures, but instead are arranged as a grid-like structure to create cells (See FIG. 1). The intersections of the bonds are not posts but are part of the grid. Nilsen was cited for other features of the claims but fails to cure the deficiencies of McGrath.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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